

MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
SCOTT R. LACHMAN, ESQ.
Nevada Bar No. 12016
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: melanie.morgan@akerman.com
Email: scott.lachman@akerman.com

Attorneys for Bank of America, N.A.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

CORTEZ HEIGHTS HOMEOWNERS
ASSOCIATION; ABSOLUTE COLLECTION
SERVICES, LLC; LA QUINTA FAMILY
TRUST; and ALVIN SORIANO,

Defendants.

Case No.: 2:16-cv-00604-GMN-BNW

**MOTION AND ORDER FOR FINAL
JUDGMENT CONFIRMING EXISTENCE
AND VALIDITY OF DEED OF TRUST**

Bank of America, N.A., La Quinta Family Trust, and La Quinta Family Trust move this court for an order and final judgment confirming the existence and validity of the subject deed of trust.

1. This matter relates to real property located at 5329 La Quinta Hills Street, North Las Vegas, Nevada 89081, APN: 124-35-215-199, more specifically described as:

LOT ONE HUNDRED NINETY NINE (199), AS SHOWN ON THE FINAL MAP OF CORTEZ HEIGHTS, ON FILE IN BOOK 113 OF PLATS AT PAGE 81. RECORDED AS DOCUMENT NO. 01928 ON NOVEMBER 13, 2003 IN THE OFFICIAL RECORDS NO. 20031113. IN THE OFFICE OF THE RECORDER CLARK COUNTY, NEVADA.

2. Bank of America is the beneficiary of record of a deed of trust encumbering the property dated January 27, 2009, and recorded in the official records of Clark County on February 2, 2009, as instrument number 20090202-0001766 (**BANA deed of trust**).

3. On October 5, 2012, the Cortez Heights Homeowners Association (**Association**) recorded a notice of delinquent assessment lien in the official records of Clark County, as instrument number 20121005-0002883.

4. On September 20, 2013, the Association recorded a trustee's deed upon sale in the official records of Clark County, as instrument number 20130920-0001311, reflecting the La Quinta Family Trust purchased the property at a foreclosure sale conducted by Absolute Collection Services, LLC (**ACS**) on September 17, 2013 (**HOA sale**).

5. On March 18, 2016, Bank of America initiated this quiet title action against La Quinta, the Association, and ACS in the United States District Court for the District of Nevada, Case No. 2:16-cv-00604-GMN-BNW.

6. On November 27, 2017, the La Quinta Family Trust conveyed its interest in the property Alvin Soriano, as reflected in the trustee's deed recorded on November 13, 2018, in the official records of Clark County, as instrument number 20181113-0002604, and as reflected in the La Quinta Family Trust's motion for substitution, ECF No. 40 at 6.

7. On July 11, 2018, the district court joined Alvin Soriano as a party defendant, ECF No. 59.

8. Bank of America, the La Quinta Family Trust, and Alvin Soriano stipulate and agree the BANA deed of trust survived and was not extinguished in any capacity by the HOA sale. Bank of America, the La Quinta Family Trust, and Alvin Soriano also agree the BANA deed of trust remains a valid encumbrance against the property following the recordation of the Association's trustee's deed. Bank of America, the La Quinta Family Trust, and Alvin Soriano further agree that any interest that La Quinta Family Trust and Alvin Soriano have in the property is subordinate in priority to the BANA deed of trust.

9. Bank of America, the La Quinta Family Trust, and Alvin Soriano stipulate and agree that if the district court grants this motion and enters the proposed order attached, all of Bank of

America's claims against the La Quinta Family Trust and Alvin Soriano will be resolved. Bank of America, the La Quinta Family Trust, and Alvin Soriano also agree that Bank of America's alternative claims against ACS are moot if the district court grants this motion and enters the proposed order attached. Bank of America, the La Quinta Family Trust, and Alvin Soriano acknowledge that the court previously dismissed Bank of America's alternative claims against the Association.

10. Finally, Bank of America, the La Quinta Family Trust, and Alvin Soriano stipulate and agree this stipulation is not an admission of liability by any party.

DATED: January 27, 2022.

AKERMAN LLP <u>/s/ Scott R. Lachman</u> MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 SCOTT R. LACHMAN, ESQ. Nevada Bar No. 12016 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 <i>Attorneys for Bank of America, N.A.</i>	<u>/s/ Richard Fojas</u> RICHARD FOJAS 4400 S. Jones Boulevard, Unit 1025 Las Vegas, NV 89013 <i>Trustee for La Quinta Family Trust</i>
<u>/s/ Alvin Soriano</u> ALVIN SORIANO 5452 Lilly Rose Court N. Las Vegas, NV 89031 <i>Pro Se</i>	

ORDER

Based on the above joint motion filed by Bank of America, the La Quinta Family Trust, and Alvin Soriano, and good cause appearing,

IT IS ORDERED that the deed of trust dated January 27, 2009 and recorded in the official records of Clark County on February 2, 2009, as instrument number 20090202-0001766 (**BANA deed of trust**) against the property located at 5329 La Quinta Hills Street, North Las Vegas, Nevada 89081, APN: 124-35-215-199, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the property conducted by the Association and ACS or the recording of the

1 trustee's deed upon sale in the official records of Clark County, as instrument number 20130920-
2 0001311, reflecting the La Quinta Family Trust purchased the property at the sale.

3 The La Quinta Family Trust conveyed its interest in the property Alvin Soriano on November
4 27, 2017, as reflected in the trustee's deed recorded on November 13, 2018, in the official records of
5 Clark County, as instrument number 20181113-0002604, and as reflected in the La Quinta Family
6 Trust's motion for substitution, ECF No. 40 at 6.

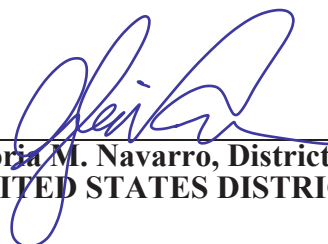
7 Any ownership interest of the La Quinta Family Trust or Alvin Soriano are subject to Bank
8 of America's interest and the BANA deed of trust.

9 IT IS FURTHER ORDERED that Bank of America or its successors and assigns shall be
10 entitled to record this MOTION AND ORDER FOR FINAL JUDGMENT CONFIRMING
11 EXISTENCE AND VALIDITY OF DEED OF TRUST in the official records of Clark County.

12 IT IS FURTHER ORDERED that Bank of America's claims against the La Quinta Family
13 Trust or Alvin Soriano are dismissed with prejudice, each party to bear its own attorneys' fees and
14 costs.

15 IT IS FURTHER ORDERED that Bank of America's alternative claims against the ACS
16 moot in light of this order.

17 DATED this 27 day of January, 2022.

18
19
20 
21 **Gloria M. Navarro, District Judge**
22 **UNITED STATES DISTRICT COURT**
23
24
25
26
27
28